

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Anthony Allen,	)	Case No. 6:20-cv-03385-DCC
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
James R. Pregel, Jr.; Matthew Broad;	)	
Bradley Grice; Quincy Whitner;	)	
William Watkins; Jonathan Davenport;	)	
Christopher Pletcher;	)	
	)	
Defendants.	)	
<hr style="width: 40%; margin-left: 0;"/>	)	

Plaintiff, proceeding pro se, brings this action alleging violations of his civil rights pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation ("Report"). On December 30, 2020, the Magistrate Judge issued a Report recommending that the action be dismissed without prejudice and without issuance of service of process. ECF No. 17. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections, and the time to do so has passed.<sup>1</sup>

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<sup>1</sup> The Court notes that the Report was returned as undeliverable. ECF No. 20. Plaintiff was specifically warned that it was his responsibility to keep the Court informed

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the recommendation of the Magistrate Judge. Accordingly, this action is **DISMISSED** without prejudice and without issuance of service of process. The Court declines to automatically allow Plaintiff to file an amended complaint.

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as to any change of address. ECF No. 6. Nevertheless, because the Magistrate Judge noted that Plaintiff had been relocated to the South Carolina Department of Corrections (“SCDC”), the Report was remailed to the address provided by SCDC on March 29, 2021. ECF No. 22. The mail has not been returned and Plaintiff has not filed objections to the Report.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.  
United States District Judge

May 20, 2021  
Spartanburg, South Carolina